

WirelessEstimator.com has been requested by the undersigned, Mr. Tim D. Mills, Mr. Jason Fortier and Mr. Jay Panozzo, to submit their comments and recommendations to the Federal Communications Commission regarding:

**WT Docket No. 03-187, FCC 06-164, Notice of Proposed Rulemaking,  
"Effects of Communication Towers on Migratory Birds"**

I am the proprietor of a tower service/build business with 14 total years experience in this trade and 6 years prior experience in the electrical utility construction industry.

I have seen less than a half-dozen bird carcasses around utility high-voltage distribution pole sites in that work and maybe two bird carcasses (if memory serves) around radio tower sites where I have worked in the past.

I have been around and to probably hundreds and approaching thousands of utility pole sites (same sites revisited and new combined) in the electrical utility work and at least the same for the tower work in my career. I have had occasion to work at tower sites at all hours of the day and night (due to outage constrictions) as well, and also at utility electrical pole distribution sites (due to storm outage repairs).

In the tower work I visited/climbed sites west to the Mississippi, north to the Great Lakes, south to the Gulf Coast, and east to the Atlantic, and again I state that I have seen only a couple bird carcasses that were around or near towers. I personally have great concern for the natural world and the animals but it has never even distantly remarked to me to associate bird deaths with radio towers for this reason.

At tower sites I have seen birds singly and in flocks of all types and species. This includes lit (strobe and incandescent red-lit) painted and unpainted towers of many different heights to and including the 1247' WSET-TV tower at Thaxton, Virginia and its 800' neighbor. At none of these tower sites have I ever seen the dead birds referred to by the Michigan study or others AT ANY SITE. Maybe their tower sites are special to migratory paths and the many I have worked at are not, or possibly the studies are skewed and contrived. I suspect the latter, and if only for the fact that I have been in the field daily for years in this industry.

The issue of bird kills associated with towers seems to me from first-hand observation to be a non-issue. This opinion is one that may be lost along with that of my fellow industry workers in the political maneuvering by the Bird-Kill groups who seem to be currently successful in their lobbying attempts to influence the FCC directors to add a new and unhelpful ruling body that addresses tower construction as it relates to and is constricted by bird deaths.

If it is the intent of those in the FCC who make these decisions to cater to the whims of advocacy groups such as the Bird-Kill lobbyists (or advocates) for the

purpose of political correctness and quieting the "squeakiest wheel" this and other real-life based opinions will have no weight in the rule-making decisions.

However, if those of you in the FCC involved in this issue give proper value to best interests nationally and use your rational and logical processes you can plainly see that the anecdotal body of evidence from those like myself who are at these sites daily is not a conspiracy developed to preserve the industry's status quo but a collation of independent voices of first-hand observations over time that far outweighs the Bird-Kill groups' spurious and penurious blame-placement tactics. The tower industry is the "scapegoat of the day", so to speak, for this issue.

Maybe there is a need perceived among you in the FCC rule-making body to revise and establish new rules and specifications for radio tower issues. I and probably all the tower industry understands this thought process but I strongly advocate the use of the restraint of logic and reason in your process of rule revision, and that you give proper weight where weight is due to the opinions, both anecdotal and factual, presented to you regards bird mortality data.

As a taxpayer and citizen I'd like to express my opinion that this is useless and unnecessary Federal spending as it relates to this (non-)issue of avian mortality, and express my objection to the process as it exists presently.

Finally, having acquired and reviewed a sampling of studies and reports on this event, I feel that the incident of avian mortality due to tower presence may exist, but to a degree that is of minimal impact on bird populations, and certainly far less than alluded to by the petitioning organizations for an FCC ruling amendment, and far less than say, for instance avian electrocution at electric utility lines and highway vehicle impact kills and even most certainly natural animal kingdom predatory events and natural weather effects as well as natural aging deaths.

I am willing to be contacted by those parties of interest from within the FCC if desired.

Tim D. Mills  
(434)-841-2608

\* \* \* \* \*

I don't believe the communications industry is purposely constructing cell and TV towers in callous disregard to our environment. In fact, new applications for wireless communications have helped to provide research groups with tools to better monitor wildlife and other natural environments. Cell phones also help to save human lives.

For those industry individuals that state they have seldom seen dead birds at a tower site, we have to trust that they are sincere and their information should be given due consideration by the FCC. For those birders who frequently discuss the one or two questionable studies that have been provided on the number of bird deaths, I hope that the FCC will view their collective concerns as one comment since that is the only frame of reference that they have regarding the number of birds that have died.

If, however, there is a serious problem that exists and there are numerous bird deaths that occur with a great amount of frequency, as some birders have alleged, it would be helpful if they can provide additional documentation in the form of a photograph.

They can use their camera/cell phone and take photos of the fatalities and provide them to the US Fish and Wildlife Service, Audubon Society or some other active group that is as equally as concerned. That organization can then provide the cataloging and documentation.

Although there have been a couple of pictures that have been posted on the web, they are the only ones referenced and do not reflect what is being described as a catastrophic environmental event by conservation groups.

Cell sites by nature typically have small fenced in compounds that would not require the photographer to trespass in order to provide the photographs. Guyed towers are normally in open fields with easy access. Taller TV towers in some markets have had homes and trailers built beneath them and are also open to the public.

Cell phone video and still cameras have been responsible for exposing injustices of all types and have helped to shape a greater awareness for calls to action by many government agencies. The "bird kill" concern should be no different and the FCC should move forward in doing whatever is necessary and reasonable to solve the problem – if in fact there is a problem that has been thoroughly documented.

Jason Fortier  
Pontiac, Michigan

\* \* \* \* \*

Simply put, in 24 years of working towers I have seen maybe 8 dead birds due to a collision with guy wires or towers.

In the same 24 years I have hit maybe 50 while driving, seen maybe 10 hit my windows at home and have seen hundreds in our farm kittens' mouths as well as the thousands I have seen dead on the road.

It is also important to note that I have seen hundreds of nests on top of towers, hundreds of Parakeets in the Chicago land area that nest whole families in their cool apartment nests and even a few eagles on towers.

I know the intent is to eliminate how birds are affected by radio towers, it is my professional opinion that the towers have done the birds more good than bad. Of course, I am a tower professional, so that would be the expected response according to a non tower-pro.

To explain my view I am also a bird watcher, I spend hundreds of dollars to feed the birds in my back yard, I utilize and maintain Martin boxes, I have crafted and installed wood duck nests (and others) in and around my home and my home-made fishing pond (that has successfully housed and bred wood ducklings) as well as other types of wildlife. Just today I was on a 320' guy tower with two hawks buzzing the tower, I did take the time to look around, there were many birds in the tree tops, I also took the time to walk the property with my son; we saw no evidence of dead birds. This particular tower is a H-Guyed which means there are two towers side by side & 24 sets of guy wires. My intent in these stories is to prove that I would honestly say that towers were a problem if they actually were. Unless someone can prove that a particular tower in a particular area has killed birds at a very high rate I think we are wasting time and energy that can be used on some other more serious issues like illegal dumping.

Jay Panozzo  
Owner  
MidAmerica Towers, Inc.